

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

VICTOR SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:05-cv-1186-MEF
)	
EURO-PRO MANAGEMENT SERVICES, INC.,)	
)	
Defendant.)	
<hr style="width: 30%; margin-left: 0;"/>)	

MOTON TO ALLOW TELEPHONIC DEPOSITION

Comes now the Plaintiff and moves the Court, pursuant to Federal Rule of Civil Procedure 30 (b) (7), to allow the Plaintiff to take the deposition of Allison Rhodes Lott on the afternoon of February 8th by telephone. As grounds for this motion, Plaintiff shows unto the Court that the proposed deponent resides in the State of Texas and it is not economically feasible for the Parties to travel to Texas to take the deposition. Further, the deposition should be straight forward, limited to one subject, and does not require the Parties to confront the deponent face to face. Plaintiff has previously requested that the Defendant consent to the taking of this deposition by telephone. Defendant's counsel indicated that he "thought" he could agree, but to this point, has not affirmatively indicated his agreement. Plaintiff therefore files this motion asking the Court to allow said deposition to go forward, by telephone, pursuant to Rule 30 (b) 7.

/s/John I. Cottle III
John I. Cottle III (COT004)
Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2007, I electronically filed the forgoing with the Clerk of Court using the CM/EMF system which will send notification of such filing to the following:

Warren B. Lightfoot, Jr., Esquire
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2618

\s\John I. Cottle III
Of Counsel